

REMARKS

Claims 1-43 are pending in this application. By this Amendment, claims 41-43 are amended. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Office Action objected to the drawings under 37 C.F.R. §1.83(a), indicating that the drawings must show every feature of the invention specified in the claims. More particularly, the Examiner stated that "the light sensing element comprising a camera and a scanner must be shown or the feature(s) canceled from the claim(s)." However, the Amendment filed on November 18, 2003 amended page 17 of the application to state the following:

As shown in Figure 10, the light receiving element 9 can be formed on the substrate 8 and may include a PN junction diode, a charge coupled device, a complementary metal oxide semiconductor sensor, a photo transistor, a position sensitive detector, a camera or a scanner.

Please note that no new matter was added as these amendments were supported by the original claims. Accordingly, element 9 in Figure 10 is the claimed camera or scanner. The Examiner argues at paragraph 6 of the Office Action that "Figure 10 simply shows the semiconductor structure of a photodetector" and that "[n]owhere does it show the scanning nature of the device or the optical system that is necessary for the device to be a camera." As previously stated, the specification recites that "the light receiving element can be ... a camera or a scanner." It is respectfully submitted that one of ordinary skill in the art would be capable of implementing the claimed invention by adapting element 9 to be an appropriate type and size

camera or scanner. As for the details of such a camera or scanner, Applicants have broadly claimed a camera or scanner and such the claims are not limited to such details. It is respectfully submitted that a detailed illustration of a camera or scanner is not essential for a proper understanding of the invention. Again, one of ordinary skill in the art would be fully capable of adapting element 9 to be an appropriate type and size camera or scanner, with the required components. Accordingly, the objection to the drawings should be withdrawn.

The Office Action rejected claims 1-40 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. More particularly, the Examiner states that "[i]t appears that Applicant has failed to disclose an embodiment in which there is a transparent electrode layer without the need for an additional electrode overlaying the luminescence layer." However, each of Figures 1-2 and 8-10 show embodiments in which there is a transparent electrode layer 2 without the need for an additional electrode overlaying the luminescence layer 3.

The Examiner argues at paragraph 11 of the Office Action that "[i]n order to provide proper support for a negative limitation, Applicant must have affirmatively stated in the original disclosure the absence of such a feature." However, it is respectfully submitted that such a literal recitation in the original specification is not required. Rather, it is only required that the originally-filed disclosure would have reasonably conveyed to one of ordinary skill in the art that Applicants had possession of the now claimed subject matter. See MPEP §2173.05(1) and more particularly, *Ex parte Parks*, 30 USPQ. 2d 1234 (Bd. Pat. App. & Inter. 1993). It is respectfully submitted that, as stated above, each of Figures 1-2 and 8-10 show embodiments in which there

is a transparent electrode layer 2 without the need for an additional electrode overlaying the luminescent layer 3 and thus the originally filed disclosure would have reasonably conveyed to one of ordinary skill in the art the now claimed subject matter. Accordingly, the rejection should be withdrawn.

The Office Action rejected claims 41-43 under 35 U.S.C. §102(b) as being anticipated by Hallibert et al. (hereinafter "Hallibert"), U.S. Patent No. 6,002,786. The rejection is respectfully traversed.

The Examiner argues that Hallibert discloses a luminescence layer 14 overlaying a transparent electrode layer 12 and a stray light shield layer or protective layer 32 (or the unlabeled layer directly underneath the finger) overlaying the luminescence layer 14. The Examiner further refers to Figure 1 and element 30 as a penetrating control layer overlaying the luminescence layer configured to limit an amount of a substance which may pass through. However, independent claims 41-43 each have been amended to recite, *inter alia*, a penetrating control layer overlaying the luminescence layer, wherein the penetrating control layer is configured to limit an amount of a pigment which may pass through said penetrating control layer. Hallibert fails to disclose or suggest such features. Element 30 of Hallibert is designed to reflect light. Element 32 of Hallibert is merely an opaque film. Neither of these elements is designed to limit an amount of a pigment which may pass therethrough.

Accordingly, the rejection of independent claims 41-43 over Hallibert should be withdrawn.

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In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carol L. Druzbeck**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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